APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,008	04/21/2004	Taylor J. Leaming	02-AU-092 (52042)	5509

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EXAMINER
UNELUS, ERNEST

ART UNIT	PAPER NUMBER
2181	

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/829,008	LEAMING, TAYLOR J.
	Examiner	Art Unit	
	Ernest Unelus	2181	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 April 2004*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-44* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-44* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 April 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

FRITZ FLEMING
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100
7/22/2006

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *08/05/04*.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   The instant application having Application No. 10/829,008 has a total of 44 claims

pending in the application; there are 4 independent claims and 41 dependent claims, all of which

are ready for examination by the examiner.

I. INFORMATION CONCERNING OATH/DECLARATION

Oath/Declaration

2.   The applicant's oath/declaration has been reviewed by the examiner and is found to

conform to the requirements prescribed in **37 C.F.R. 1.63.**

II. INFORMATION CONCERNING DRAWINGS

Drawings

3.   The applicant's drawings submitted are acceptable for examination purposes.

III. ACKNOWLEDGEMENT OF REFERENCES CITED BY APPLICANT

4.   As required by **M.P.E.P. 609(C)**, the applicant's submissions of the Information

Disclosure Statement dated August 05, 2004 is acknowledged by the examiner and the cited

references have been considered in the examination of the claims now pending. As required by

M.P.E.P 609 C(2), a copy of the PTOL-1449 initialed and dated by the examiner is attached to

the instant office action.

IV. OBJECTIONS TO THE SPECIFICATION

5.   The abstract of the disclosure is objected to because the term "may" appears and makes

the abstract seem indefinite (i.e. "An integrated circuit for a smart card may include a transceiver

and a processor for communicating..." is indefinite because it is known whether the integrated

circuit includes the transceiver or not). Correction is required. See MPEP â 608.01(b).

V. OBJECTIONS TO THE CLAIM

6.   Claim 1 is objected to because of the following informalities: Regarding claim 1, lines 1-

2: The preamble states ''an integrated circuit for a smart card and comprising:'' Please remove

the "and" so that the sentence is grammatically correct. Appropriate correction is required.

VI. REJECTIONS BASED ON PRIOR ART

Double Patenting

7.   Claims 1, 3-9, 12, 14-20, 23, 25-32, 34, 36-42, and 44 are provisionally rejected on the

ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1,

3-8, 10-11, 13-18, 20-21, 23-28, 30-31, and 33-38 of copending Application No. 10/828,747 to

Leaming, from hereinafter "747 application" in view of Tello (U.S. Patent No. 6,463,537).

Although the conflicting claims are not identical, they are not patentably distinct from each other

because in claims 1, 3-9, 12, 14-20, 23. 25-32, 34, 36-42, and 44 of the instant application,

applicants claim an integrated circuit for a smart card and comprising: at least one data

terminal for providing communications with a host device; and a processor for

providing an attachment signal on the at least one data terminal for recognition by the host

device, cooperating with the host device to perform an enumeration based upon at least one

default descriptor, and based upon a system event, selectively removing the attachment signal

from the at least one data terminal and thereafter again providing the attachment signal on said at

least one data terminal and cooperating with the host device to perform a new

enumeration based upon at least one alternate descriptor. The '747 application' discloses an

integrated circuit for a smart card comprising a transceiver and a processor for communicating

with a host device via a transceiver and performing a plurality of smart card applications wherein

the processor cooperates with the host device to perform an enumeration based upon at least one

default descriptor, generate a look-up table for allocating data to respective smart card

applications based on the enumeration and detecting a system event, cooperating with the host

device to perform a new enumeration based upon the alternate descriptor and generating a new

look-up table based thereon. The instant application however, fails to teach the use of a look-up

table to store information

Tello teaches a computer security system which utilizes an encrypted table of smart card

code numbers are also stored in the flash memory of the security engine. This table is used

during the operation of the invention to identify the purpose and type of smart card inserted in

the smart card reader, which is logically connected to the security engine (see col. 9, lines 26-

31). Hence, Tello teaches the use of a look-up table, which stores smart card information during

smart card processes. It would have been obvious to one of ordinary skill in the art at the time the

invention was made to employ the teachings of Tello to the instant application because both

systems are teaching the interfacing of computers with other objects.

Thus, with respect to the above discussions, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to use the teachings of claims 1, 3-9,

12, 14-20, 23, 25-32, 34, 36-42, and 44 of the instant application, along with Tello as a general

teaching for using the integrated circuit for the smart card as set forth in the '747 application'.

This is a provisional obviousness-type double patenting rejection because the conflicting

claims have not in fact been patented.

The nonstatutory double patenting rejection is based on a judicially created doctrine
grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or
improper timewise extension of the "right to exclude" granted by a patent and to prevent possible
harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is
appropriate where the.conflicting claims are not identical, but at least one examined application
claim is not patentably distinct from the reference claim(s) because the examined application
claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g.,
In re Berg, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); In re Goodman, 11 F.3d 1046, 29
USPQ2d 2010 (Fed. Cir. 1993); In re Longi, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); In re
Van Ornum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); In re Vogel, 422 F.2d 438, 164 USPQ
619 (CCPA 1970); and In re Thorington, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).
A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may
be used to overcome an actual or provisional rejection based on a nonstatutory double patenting
ground provided the conflicting application or patent either is shown to be commonly owned
with this application, or claims an invention made as a result of activities undertaken within the
scope of a joint research agreement.
Effective January 1, 1994, a registered attorney or agent of record may sign a terminal
disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR
3.73(b).

8   **Claim 1** is also provisionally rejected under the judicially created doctrine of

obviousness-type double patenting as being unpatentable over claim 1 of copending Application

No. 10/829,007.

9.   Initially, it should be noted that the present application and Application No. 10/829,008,

have the same inventive entity. The assignee for both applications is

STMICROELECTRONICS, INC.

10.   Claimed subject matter in the instant application is fully disclosed in the referenced

copending application and would be covered by any patent granted on that copending application

since the referenced copending application and the instant application are claiming common

subject matter, as noted below. *See In re Goodman, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir.*

1993).

11.   Furthermore, there is no apparent reason why applicant would be prevented from

presenting claims corresponding to those of the instant application in the other copending

application. See MPEP § 804.

12.   Claim 1 is compared to claims 3 of application 10/815,187 in the following table:

Instant Application	**Application 10/829,007**
An integrated circuit for a smart card and comprising: **at least one data terminal for providing communications with a host device**; and a processor for providing an attachment signal on the at least one data terminal for recognition by the host device, cooperating with the host device perform an enumeration based upon at least one default descriptor, and based upon a system event, selectively removing the attachment signal from the at least one data terminal and thereafter again providing the attachment signal on said at least one data terminal and	An integrated circuit for a smart card comprising; **a transceiver**; and a processor for communicating with a host device via said transceiver, said processor for providing at least one default descriptor to the host device, cooperating with the host device to perform an enumeration based upon the at least one default descriptor, and detecting a system event and, responsive to the system event, providing at least one alternate descriptor to the host device and cooperating with the host device to perform a new enumeration based thereon

cooperating with the host device to perform a new enumeration based upon at least one alternate descriptor.	

This is a provisional double patenting rejection since the conflicting claims have not yet been patented. The double patenting rejection is also applicable to other claims in the instant application and 10/829,007.

Claim Rejections - 35 USC § 102

13.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

15.   **Claims 1-10, 12-21, and 44** are rejected under 35 U.S.C. 102(e) as being anticipated by

Maier (US 2005/0251596) in view of Lu et al. 2005/0108571.

16.   As per **claims 1, 12, and 34**, the following multiple reference 35 U.S.C. 102(e) rejections

is made in reference to MPEP 2131.013.

Maier discloses "An integrated circuit for a smart card **(USB device in fig. 1)** and

comprising: at least one data terminal for providing communications with a host device **(see fig.**

1, which discloses communication between the smart card and host device); and a processing

system providing an attachment signal on the at least one data terminal for recognition by the

host device **(see fig. 1)**, cooperating with the host device to perform an enumeration based upon

at least one default descriptor **[descriptors (I)] (see paragraph 0043)**, and based upon a system

event, selectively removing the attachment signal from the at least one data terminal and

thereafter again providing the attachment signal on said at least one data terminal and

cooperating with the host device to perform a new enumeration based upon at least one alternate

descriptor **[descriptors (II)]**". **[(paragraph 0043 discloses "in a second enumerating step**

ENUM2, the USB host enumerates the USB device. As illustrated in FIG. 2, only the

descriptors (II) associated to the services (S1, S2, S3) which have been activated and the

descriptor associated to the standard service (S0) will be retrieved"). Maier discloses the

functionality of the smart card and fail to specifically discloses the structure of the card.

However, it is an inherent feature for the smart card to be an integrated circuit having a

data terminal for providing communications with a host device, a processor and

descriptors. For example, as evidence, Lu discloses, "An example of such a resource-

constrained device is the smart card. A smart card is simply a plastic card containing an

integrated circuit with some memory and a microprocessor. Typically the memory is

restricted to 6K bytes of RAM. It is anticipated that smart card RAM may increase by a

few kilobytes over the next few years. However, it is very likely that memory size will

continue to be an obstacle to smart card applications. Most smart cards have 8-bit

microprocessors", and paragraph 0232 and fig. 11, which further illustrate a smart card

having descriptors and at least one data terminal for providing communications with a host

device]

17.   As per **claims 2, 13, and 35**, Maier discloses "The integrated circuit of claim 1," [See

rejection to claim 1 above] "wherein further comprising at least one power terminal connected

to said processor, and wherein said processor receives power via said at least one power terminal

during removal of the attachment signal **(paragraph 0013 discloses power going though the

processor, which is an inherent feature).**

18.   As per **claims 3, 14, and 36,**, Maier discloses "The integrated circuit of claim 1," [See

rejection to claim 1 above] "wherein the system event comprises a system utilization metric

exceeding a threshold" **(with respect to this limitation, paragraph 0015 from the applicant's

specification discloses "In such case, the system utilization metric may indicate that bus

utilization is above a threshold, which would prompt the processor to re-enumerate using

one or more alternate descriptors that would allow it to more efficiently utilize the limited**

bandwidth". Similarly, Maier discloses, in paragraph 0055, "in a second enumerating step

ENUM2, the USB host enumerates the USB device. As illustrated in FIG. 2, only the

descriptors (II) associated to the services (S1, S2, S3) which have been activated and the

descriptor associated to the standard service (S0) will be retrieved").

19.   As per **claims 4, 15, and 37,** Maier discloses "wherein the system event comprises the

occurrence of attempted unauthorized communications" **(with respect to this limitation,**

paragraph 0048 from the applicant's specification discloses "Another example of a system

event which may trigger a new enumeration is the occurrence of attempted unauthorized

communications, at Block 61', such as would be the case when someone attempts to

eavesdrop or hack into the system 20.". Similarly, Maier discloses, in paragraph 0019, "In

addition, an Internet Service Provider can, for example, define its own proprietary login

application and store it on the Smart Card itself (USB device). The risk of hacking the

login application is therefore reduced").

20.   As per **claims 5, 16, and 38,** Maier discloses "wherein said processor monitors

communications with the host device during removal of the attachment signal" **(see paragraph**

0034, which discloses monitoring of communication by the USB device, which inherently

has a processor).

21.   As per **claims 6, 17, and 39,** Maier discloses "wherein the at least one alternate

descriptor comprises at least one device descriptor **(see paragraph 0008).**

21.   As per **claims 7, 18, and 40**, Maier discloses "wherein the at least one alternate

descriptor comprises at least one configuration descriptor **(see paragraph 0009)**.

22.   As per **claims 8, 19, and 41**, Maier discloses "wherein the at least one alternate

descriptor comprises at least one interface descriptor **(see paragraph 0010)**.

23.   As per **claims 9, 20, and 42**, Maier discloses "wherein the at least one alternate

descriptor comprises at least one endpoint descriptor **(see paragraph 0011)**.

24.   As per **claims 10, 21, and 43**, Maier discloses "wherein said at least one data terminal

comprises first and second data terminals for differential data signals" **(see fig. 2 and Paragraph**

0058).

25.   As per **claim 44**, Maier discloses "wherein the smart card operate in a universal serial bus

(USB) mode" **(Paragraph 0077 discloses the USB device using different protocol such**

firewire, which is a Universal Serial Bus version 2.0 (USB).

Rejections - 35 USC § 103

26.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
such that the subject matter as a whole would have been obvious at the time the invention was made to a person
having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
manner in which the invention was made.

27.   __Claims 11 and 22-33__ are rejected under 35 U.S.C. 103(a) as being unpatentable over

Maier (US 2005/0251596) in view of Lu et al. 2005/0108571.

28.   As per **claims 11, 22, and 33,** Maier discloses "A smart card system including an

integrated circuit of claim 1, **[see rejection to claim 1 above]**, but fail to specifically disclose a

USB transceiver connected between said processor and said at least one data terminal.

        Lu discloses a USB transceiver **(BSD socket API 1105 in fig. 11)** connected between

said processor **(communication module 1103 in fig. 11)** and said at least one data terminal

(Internet application 1101 in fig. 11) (see paragraph 0025).

        Maier (US 2005/0251596) and Lu et al. (US 2005/0108571) are analogous art because

they are from the same field of endeavor of communication between a smart card and a

computer.

        At the time of the invention it would have been obvious to a person of ordinary skill in

the art to modify the system comprising a main device and an auxiliary device arranged to co-

operate with each other as taught by Maier and an infrastructureless resource-constrained device,

for example, a smart card, capable of acting as a full-fledged network node providing secure

communication to other nodes on the network and in which the security boundary is located on

the infrastructureless resource-constrained device as taught by Lu

        The motivation for doing so would have been because Lu teaches that determining

whether there is enough free space in memory before transferring data **["Such**

infrastructureless resource-constrained devices can easily be adapted so that the resource-

constrained device can

provide many of the functions traditionally associated with full-fledged network nodes" (see paragraph 0022)].

Therefore, it would have been obvious to combine Maier (US 2005/0251596) and Lu et al. (2005/0108571) for the benefit of creating a smart card to communicate with a host to obtain the invention as specified in claims 11, 22 and 33.

29. As per **claim 23,** Maier discloses "A smart card system **(USB device in fig. 1)** comprising: a host device **(USB host device in fig. 1)** comprising: at least one data terminal for providing communications with a host device **(see fig. 1, which discloses communication between the smart card and host device)**; and a processing system providing an attachment signal on the at least one data terminal for recognition by the host device **(see fig. 1)**, cooperating with the host device to perform an enumeration based upon at least one default descriptor **[descriptors (I)] (see paragraph 0043)**, and based upon a system event, selectively removing the attachment signal from the at least one data terminal and thereafter again providing the attachment signal on said at least one data terminal and cooperating with the host device to perform a new enumeration based upon at least one alternate descriptor **[descriptors (II)]**". **[(paragraph 0043 discloses "in a second enumerating step ENUM2, the USB host enumerates the USB device. As illustrated in FIG. 2, only the descriptors (II) associated to the services (S1, S2, S3) which have been activated and the descriptor associated to the standard service (S0) will be retrieved"). Maier discloses the functionality of the smart card and fail to specifically discloses the structure of the card. However, it is an inherent feature**

for the smart card to be an integrated circuit having a data terminal for providing

communications with a host device, a processor and descriptors. For example, as evidence,

Lu discloses, "An example of such a resource-constrained device is the smart card. A

smart card is simply a plastic card containing an integrated circuit with some memory and

a microprocessor. Typically the memory is restricted to 6K bytes of RAM. It is anticipated

that smart card RAM may increase by a few kilobytes over the next few years. However, it

is very likely that memory size will continue to be an obstacle to smart card applications.

Most smart cards have 8-bit microprocessors", and paragraph 0232 and fig. 11, which

further illustrate a smart card having descriptors and a data terminal for providing

communications with a host device]. In regards to the adapter, Maier clearly fails to

specifically disclose a card adapter connected to the host.

Lu discloses a card adapter connected to a smartcard comprising an integrated circuit (see

paragraph ooo4 and fig. 1)

Maier (US 2005/0251596) and Lu et al. (US 2005/0108571) are analogous art because

they are from the same field of endeavor of communication between a smart card and a

computer.

At the time of the invention it would have been obvious to a person of ordinary skill in

the art to modify the system comprising a main device and an auxiliary device arranged to co-

operate with each other as taught by Maier and an infrastructureless resource-constrained device,

for example, a smart card, capable of acting as a full-fledged network node providing secure

communication to other nodes on the network and in which the security boundary is located on

the infrastructureless resource-constrained device as taught by Lu

The motivation for doing so would have been because Lu teaches that determining

whether there is enough free space in memory before transferring data ["**The smart card reader**

215(6b) provides an implementation of the Peer I/O Server 613(6b), described in greater

detail herein below. The smart card reader 215(6b) connects to the smart card 201(6b)

through an ISO standard half-duplex I/O interface and to a host computer 217(6b) via a

standard full-duplex I/O interface 607. Because the smart card reader 215(6b) completely

handles the ISO 7816 protocol, and connects to the host computer 217(6b) using standard

serial protocol, no additional software, beyond that which is normally found on

a PC, is needed on the host PC 217(6b)"].

Therefore, it would have been obvious to combine Maier (US 2005/0251596) and Lu et

al. (2005/0108571) for the benefit of creating a smart card to communicate with a host to obtain

the invention as specified in claim 23.

30.   As per **claim 24**, the combination of Maier and Lu discloses "The smart card system of

claim 23," **[See rejection to claim 23 above]** Maier further discloses "comprising at least one

power terminal connected to said processor, and wherein said processor receives power via said

at least one power terminal during removal of the attachment signal" **(with respect to this**

limitation, paragraph 0013 discloses power going though the processor, which is an

inherent feature)

31.   As per **claim 25**, the combination of Maier and Lu discloses "The smart card system of

claim 23," **[See rejection to claim 23 above]** Maier further discloses "a system utilization metric

exceeding a threshold" **(with respect to this limitation, paragraph 0015 from the applicant's**

specification discloses "In such case, the system utilization metric may indicate that bus

utilization is above a threshold, which would prompt the processor to re-enumerate using

one or more alternate descriptors that would allow it to more efficiently utilize the limited

bandwidth". Similarly, Maier discloses, in paragraph 0055, "in a second enumerating step

ENUM2, the USB host enumerates the USB device. As illustrated in FIG. 2, only the

descriptors (II) associated to the services (S1, S2, S3) which have been activated and the

descriptor associated to the standard service (S0) will be retrieved").

32.   As per **claim 26**, the combination of Maier and Lu discloses "The smart card system of

claim 23," [See rejection to claim 23 above] Maier further discloses "wherein the system event

comprises the occurrence of attempted unauthorized communications" **(with respect to this**

limitation, paragraph 0048 from the applicant's specification discloses "Another example

of a system event which may trigger a new enumeration is the occurrence of attempted

unauthorized communications, at Block 61', such as would be the case when someone

attempts to eavesdrop or hack into the system 20.". Similarly, Maier discloses, in

paragraph 0019, "In addition, an Internet Service Provider can, for example, define its own

proprietary login application and store it on the Smart Card itself (USB device). The risk

of hacking the login application is therefore reduced").

33.   As per **claim 27**, the combination of Maier and Lu discloses "wherein said processor

monitors communications with the host device during removal of the attachment signal" **(with**

respect to this limitation, see Maier, paragraph 0034, which discloses monitoring of

communication by the USB device, which inherently has a processor).

34.   As per **claim 28**, the combination of Maier and Lu discloses "The smart card system of claim 23," **[See rejection to claim 23 above]** Maier further discloses "wherein the at least one alternate descriptor comprises at least one device descriptor" **(see paragraph 0008)**.

35.   As per **claim 29**, the combination of Maier and Lu discloses "The smart card system of claim 23," **[See rejection to claim 23 above]** Maier further discloses "wherein the at least one alternate descriptor comprises at least one configuration descriptor"**(see paragraph 0009)**.

36.   As per **claim 30**, the combination of Maier and Lu discloses "The smart card system of claim 23," **[See rejection to claim 23 above]** Maier further discloses "wherein the at least one alternate descriptor comprises at least one interface descriptor" **(see paragraph 0010)**.

37.   As per **claim 31**, the combination of Maier and Lu discloses "The smart card system of claim 23," **[See rejection to claim 23 above]** Maier further discloses "wherein the at least one alternate descriptor comprises at least one endpoint descriptor" **(see paragraph 0011)**.

38.   As per **claim 32**, the combination of Maier and Lu discloses "The smart card system of claim 23," **[See rejection to claim 23 above]**, Maier further discloses "wherein said at least one data terminal comprises first and second data terminals for differential data signals" **(see fig. 2 and Paragraph 0058)**.

VII. **RELEVANT ART CITED BY THE EXAMINER**

39.   The following prior art made of record and not relied upon is cited to establish the level

of skill in the applicant's art and those arts considered reasonably pertinent to applicant's

disclosure. See **MPEP 707.05(c)**.

40.   The following reference teaches a USB smart card in communication with a USB host.

U.S. PATENT NUMBER

US 2001/0056539

US 5,568,179

PCT/IB03/02801

VIII. **CLOSING COMMENTS**

Conclusion

a. **STATUS OF CLAIMS IN THE APPLICATION**

41.   The following is a summary of the treatment and status of all claims in the application as

recommended by **M.P.E.P. 707.07(i)**:

a(1) **CLAIMS REJECTED IN THE APPLICATION**

42.   Per the instant office action, claims 1-44 have received a first action on the merits and are

subject of a first action non-final.

b. **DIRECTION OF FUTURE CORRESPONDENCES**

43.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ernest Unelus whose telephone number is (571) 272-8596. The

examiner can normally be reached on Monday to Friday 9:00 AM to 5:00 PM.

IMPORTANT NOTE

44.   If attempts to reach the above noted Examiner by telephone is unsuccessful, the

Examiner's supervisor, Mr. Fritz M. Fleming, can be reached at the following telephone number:

Area Code (571) 272-4145.

The fax phone number for the organization where this application or proceeding is

assigned is 571-273-8300. Information regarding the status of an application may be obtained

from the Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For more

information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions

on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-

9197 (toll-free).

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July 19, 2006   Ernest Unelus
                                                  Examiner
                                                  Art Unit 2181